



California Regional Water Quality Control Board

San Diego Region

Winston H. Hickox
Secretary for
Environmental
Protection

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9174 Sky Park Court, Suite 100, San Diego, California 92123
Phone (858) 467-2952 • FAX (858) 571-6972



Gray Davis
Governor

November 21, 2002

CERTIFIED-RETURN RECEIPT REQUESTED
7099 3400 0015 9997 0200

Roger Castillo
Castillo & Sons
A & E Auto Recycling
775 Energy Way
Chula Vista, CA 91911

File No.: 10-0012719.02

Dear Mr.Castillo:

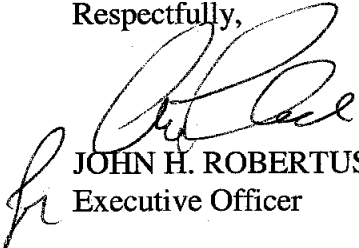
ADOPTION OF ORDER NO. R9-2002-0284, "ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY AGAINST CASTILLO & SONS, A&E AUTO RECYCLING FOR FAILURE TO PAY ANNUAL FEES"

Enclosed is a copy of Administrative Civil Liability Order No. R9-2002-0284 adopted by the California Regional Water Quality Control Board, San Diego Region (Regional Board) on November 13, 2002, for the amount of \$3,000.

In accordance with Order No. R9-2002-0284, Castillo & Sons, A&E Auto Recycling shall pay \$3,000 by December 13, 2002. Send payment to this office and make check payable to State Water Resources Control Board.

If you have any questions, please contact Mr. Vicente Rodriguez of my staff at (858) 627-3940.

Respectfully,


JOHN H. ROBERTUS
Executive Officer

Enclosure: Administrative Civil Liability Order No. R9-2002-0284

JHR:mpm:mja:vrr

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

Recycled Paper



Mr. Castillo

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November 21, 2002

cc w/enclosure: Mr. John Richards, Esq., SWRCB
P.O. Box 100, Sacramento, CA 95812

WDID: 9 37S012719

Castillo & Sons RB adopted R9-2002-0284 Trans.Ltr.doc

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

ORDER NO. R9-2002-0284

**ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
AGAINST
CASTILLO & SONS-A&E AUTO RECYCLING
FOR FAILURE TO PAY ANNUAL FEES**

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds the following:

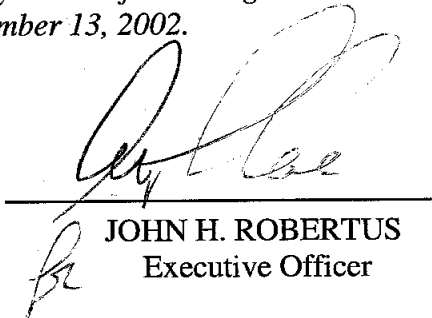
1. Castillo & Sons has violated Section 13260(d) of the California Water Code which requires that each person for whom waste discharge requirements have been prescribed pursuant to Water Code Section 13263 shall pay an annual fee according to a fee schedule established by the State Water Resources Control Board (State Board) for the A&E Auto Recycling facility located at 775 Energy Way, Chula Vista, San Diego County. Castillo & Sons, hereinafter discharger, is regulated under State Board Order No. 97-03, *Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activity Excluding Construction Activities* (General Permit).
2. The discharger's unpaid storm annual water fees in this matter are \$250 for each of the fiscal year 2001-2002, 2000-2001, 1998-1999, and 1997-1998 for a total amount of \$1000.
3. On August 2, 2002, the Executive Officer, in *Complaint No. R9-2002-0190 for Administrative Civil Liability* (ACL) proposed imposition of civil liability in the amount of \$5,797 for the violations alleged in Complaint No. R9-2002-0190.
4. The outstanding annual fees of \$1000 for the fiscal years 2001-2002, 2000-2001, 1998-1999, and 1997-1998 annual industrial storm water permit have been paid, and this facility is now fully in compliance with the outstanding fees.
5. Consideration of the factors prescribed in California Water Code Section 13327 based upon information available to the Regional Board prior to the hearing and described in greater detail in Complaint No. R9-2002-0190 supports assessment of civil liability pursuant to Water Code section 13263 in the amount of \$3,000.

6. On September 11, 2002, Castillo & Sons proposed the following settlement terms:
 - a) Comply with California Water Code Section 13260 by paying all outstanding annual storm water fees. As of July 31, 2002, the date the Complaint was issued, the fees totaled \$1,000.00.
 - b) Agree to administrative civil liability in the amount of \$3,000.00.
 - c) Make payment of the ACL in full within 30 days of adoption of the ACL Order.
 - d) Waive the right to request a hearing before the Regional Board with regards to the violations alleged in the above referenced Complaint.
7. On November 13, 2002, the Regional Board held a hearing to solicit public participation in this matter, and considered the comments of interested persons regarding adoption of this Order.
8. The adoption of this Order is an appropriate resolution of the violations alleged in Complaint No. R9-2002-0190 because of the following reasons:
 - a. The assessment of \$3,000 is a sufficient amount of liability to deter this discharger and other dischargers from not paying annual fees in the future.
 - b. The assessment of \$3000 is consistent with the State Board enforcement assessment matrix for violations characterized as Moderate compliance significance and Minor environmental significance.
9. The Regional Board incurred costs totaling \$1,280, which includes preparation of enforcement documents, and public hearings.
10. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, Section 21000 et seq.) in accordance with Section 15308, Chapter 3, Title 14 of the California Code of Regulations.

November 13, 2002

IT IS HEREBY ORDERED, that pursuant to Section 13261(b) of the California Water Code, that civil liability be imposed on the discharger, Castillo & Sons in the amount \$3,000.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on November 13, 2002.



JOHN H. ROBERTUS
Executive Officer